Abstract Proceedings of the Travancore Legislative Council.

The Council met in the Dewan's room, Public Offices, at 12 noon on Friday, the 20th February 1920/8th Kumbhom 1095.

Present.

DEWAN BAHADUR

M. KRISHNAN NAIR ESQ., B. A. & B. L.,
DEWAN.....*Presiding.*

N. Rajaram Rao Esq., B. A.
K. George Esq., B. A.
M. Raja Raja Varma Esq., M. A. & B. L.
K. Narayanan Pandalay Esq., B. A. & B. L.,.....(*Secretary.*)
V. Subba Aiyar Esq., B. A. & B. L.
Rao Bahadur K. V. Rengaswami Aiyangar Esq., M. A.
P. N. Lakshmanan Esq., B. A., M. B. & C. M., M. R. C. S., M. R. C. P., D. Ph.
N. Raman Pillai Esq., B. A.
C. B. Cunningham Esq.
V. Raman Menon Esq.
N. Kunjan Pillai Esq., M. A., B. Sc., Ph. D.
S. Adam Sait Esq.
N. Kumaran Asan Esq.
K. A. Krishna Aiyangar Esq., B A. & B. L.
M. Subrahmanya Pillai Esq.
G. Parameswaran Pillai Esq., B. A. & B. L.
C. Raman Tampi Esq., B. A., & B. L.
John Nidiry Esq., B. A. & B. L.
John Mackie Esq.
Marasseri Thrivikramar Vasudevar Esq.
Kayalam Parameswaran Pillai Esq., B. A. & B. L.
P. J. John Esq.

President :—

"GENTLEMEN,

In the name of His Highness the Maha Raja, it is my pleasing privilege to offer you a cordial welcome to the new Legislative Council, reorganised under Regulation I of 1095. To all practical men who believe in orderly progress, the constitutional reforms introduced by this Regulation will, I feel sure, mark a definite advance. In the address to the members of the previous Council on the 12th September last, I took occasion to explain the scope and objects of these reforms, and it is not my purpose to-day to go over that ground again. I shall, however, proceed to invite your attention to a few salient features of the new Regulation and the Rules framed thereunder, so as to enable you to see the rights and privileges conferred by them in their true perspective.

The subject of the reform of the Legislative Council has been often brought to the prominent attention of the Government, ever since the second session of the Sri Mulam Popular Assembly at which one of the members moved for that body being empowered "to elect a fair proportion, at least one-half, of the non-official members of the Council". I need hardly remind you that the subject has since then come up for discussion, in one form or other, at several sessions of the Assembly, and that the Government have had ample opportunities of gauging the views and wishes of the educated public on this question during the last fifteen years. The whole problem was discussed at length at the ninth and tenth sessions of the Assembly, when a member prayed for the strength of the Council being increased from 15 to 21 and for the Assembly itself being constituted as the electorate for the Council. All subsequent representations in the Assembly have been more or less similar to those brought forward at the two sessions mentioned above. His Highness the Maha Raja has now been pleased to reorganise the Council with a maximum, not of 21, but of 25, and to provide not only a direct general electorate for the public at large, but also separate electorates for the jenmies, planters, merchants, and non-official members of Town Improvement Committees, instead of cramping the franchise into an indirect electoral body such as the Assembly. There can be no doubt that in these respects the Regulation has gone ahead of popular opinion. To appraise the value of these privileges correctly, it is necessary to remember that Mysore, with nearly four times the area of Travancore, has only a Council composed of thirty members, and that in British India

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power; you may depend upon it, sir, that we, who have been privileged to take part in this Council as representatives of the citizens shall not be forgetful of these past traditions and shall neither court conflicts with official views, nor shun them when our sense of duty and responsibility renders such collision inevitable.

In conclusion, I join my friends in thanking you for your kind words of welcome."

Mr. Krishna Aiyangar :—

"Sir,

I join my friends in thanking you, sir, most warmly for the cordial welcome that you have extended to us. I believe the Council has a bright future before it and that your exhortations to work the new Regulation in a spirit of 'discerning appreciation and judicious optimism' will be received with respectful attention by the members of the Council. I beg to suggest that the official members of this Council may have restored to them absolute freedom of speech and vote on matters coming before the Council. I have all along felt that the official *bloc* is a clumsy constitutional device. I do not propose however to discuss the merits of that controversy now. As pointed out by you, the official members of the Council are men of 'ripe experience and proved administrative capacity' and their deliberate pronouncements on questions of legislation and administration coming before the Council will receive a respectful and careful attention on the part of the non-official members. As it is, their administrative experience and knowledge are practically lost to the Council. Until about 10 or 12 years ago, they exercised the right of free discussion and voting quite as independently as the non-official members, and any one reading the proceedings of the Council of those days would be impressed with the substantial contribution made by them to the debates. Latterly, they have been deprived of that freedom and the impression is created that their function in the Council is merely to record their silent votes to register the decrees of the Executive. I respectfully submit that this impression should not be allowed to gather strength, giving room to a feeling of bitterness and helplessness in the minds of the non-official members. I believe that the Council will gain in life and reality and that the conclusions reached will command a wider acceptance in the country if this freedom is restored. A conflict between their loyalty to Government and loyalty to their conscience may be avoided. I respectfully commend the suggestion for the sympathetic consideration of Government."

Mr. Mackie:—

"Sir,

On behalf of the planting community, I thank the Government for the benefits conferred by the new Regulation."

"*Mr. Kumaran Asan* :—

"Sir,

While joining my friends in thanking you, for the cordial welcome, I beg to be permitted to say a word This is the first time in the annals of Travancore that a member of my community has been honoured with a seat in this exalted Council of the State. As such I think it is an auspicious moment for me. This consideration on the part of the Government shown to my community may be said to have been merited by it by virtue of its numerical and material importance in the land. I beg to assure you, sir, that it will ever be remembered with a great sense of gratitude. This nomination, I beg to think, is a sure sign indeed of the solicitude on the part of His Highness' Government to make the Council as representative as practicable. I also beg to hope this is a happy augury of the same favour being extended even to the less favoured sections of His Highness' subjects before long. With these words I beg to snatch this opportunity to express in the name of my community my heartfelt thanks to His Highness' Government for the kindness, and request you, sir, to be pleased to convey the same to His Most Gracious Highness who has been so graciously pleased to nominate me as a member."

President :—

"Gentlemen,

Before we proceed to the regular business of this day, I am obliged to discharge the painful duty of announcing to you the sad and sudden death of Rao Bahadur R. Mahadeva Aiyar, Chief Secretary to Government, one of the trusted and valued members of this Council. This is not the occasion to refer in detail to the manifold services of the late Mr. Mahadeva Aiyar to the State. Suffice it to state that he was an officer whose public career will long remain an inspiring example to his countrymen. He was honorably associated with this Council for several years, and his work as a member in the Select Committees and elsewhere was characterised by thoroughness and efficiency. I hope I am only voicing the unanimous sense of those assembled here when I say that we owe it to the memory of the deceased to place on record our high appreciation of his valuable services as a member of this Council".

Mr. Raman Tampi :—

"Sir,

I join in the sincere condolence of our late Chief Secretary Mr. R. Mahadeva Aiyar, a gentleman of wide knowledge, deep and real culture and broad sympathies. Mr. Mahadeva Aiyar was universally respected and his loss to the public service and to this Council, where

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member to apply for leave to introduce any Bill. On the other hand, the object is to enable Government to see that the requirements of the Regulation are complied with. I wish to draw the attention of the Council to Sections 7 and 9 of Regulation 1 of 1095. These Sections are substantially the Sections in the old Regulation. Under Section 7, this Council is not competent to consider or enact any measure affecting the subjects mentioned therein. Section 9 enacts that no Bill shall be introduced in the Council, which affects the public revenues of the State or which is likely to make a charge upon the revenues of the State or which affects the religion or religious usage of any class of His Highness' subjects. The first requisite then is that these two conditions should be satisfied. It is only if one month's notice is given and copy of the Bill also appended, it will be possible to know whether the Bill falls within the exceptions mentioned in Sections 7 and 9, or not. From the mere fact that a motion for leave is applied for, we shall not be in a position to say whether it is likely to affect the State revenue or affect the religion or religious usage of any class of His Highness' subjects. Otherwise, it gives rise to serious inconvenience and is a source of sore disappointment to the Member who gets the leave, if ultimately the Bill is not accepted. Such a thing has arisen in this Council itself. When Mr. P. K. Kesava Pillai applied for leave to introduce the Elementary Education Bill, I objected on the ground that his motion was likely to affect the public revenues and that the motion required the previous sanction in writing of the Dewan. He assured the Council at the time that it was not likely to affect the revenues of the State, as the Bill was intended to compel pupils to attend existing schools. When as a matter of fact the Bill was introduced, even the Mover had to discuss the question of the ways and means and every one of the non-official members was of opinion that, if the Bill should not be a dead letter and was intended to be really useful to the public, more schools had to be opened and more money had to be spent; and every one had to suggest ways and means to Government by either cutting down the expenditure in some department or other or imposing additional cess. All of them were agreed that additional money had to be found if the Bill were to work satisfactorily. I refer to this not in any disparagement to Mr. Kesava Pillai. But the Government had to object to the introduction of the Bill on the ground that it did not contain any provisions for meeting the additional expenditure. Without seeing the Bill, permission was granted. But when we had to go into the provisions of the Bill and see whether it would practically work, there was considerable difficulty and so the measure had to be given up. The same argument will hold good in the case of any measure affecting the religion or religious usage of a particular community. Before leave is applied for, if the Bill is sent, the time of the Council will not be wasted by discussing problematical or academical questions. My proposal may not inconvenience the members. A member desiring to introduce a Bill would ordinarily have worked out the details of the Bill and thought out even the provisions thereof. He may even secure the opinions of the other members of the Council or of the public so that he may know what support the Bill would derive if introduced. No serious inconvenience is likely to be caused to the member by requiring him to send up the Bill in advance. So far as the Government are concerned, it enables them to consider whether the Bill contravenes the provisions of Sections 7 and 9 and whether the Bill may be accepted. It is with these objects in view that the present provision has been put in. As has been already observed, it is not with a view to curtail the right of the members. In this connection, I may point out that under Rule 32, if a member is in a position to satisfy the Dewan that his Bill is necessary, it is open to the Dewan to order the publication of the Bill. Rule 32 applies to all members alike, official or non-official. The revised Rule is not therefore likely to inconvenience the members."

Mr. Kayalam Parameswaran Pillai moved that the following be substituted for Clauses 1 and 2 of Rule 30.

"Any member may move at a meeting of the Council, for leave to introduce a Bill in accordance with the provisions of Section 8 of Regulation I of 1095: provided that at least six clear days' previous notice of the title and subject of the Bill has been given to the Secretary."

President:—

"Let us proceed with the Clauses one by one.

Mr. Kayalam Parameswaran Pillai:—

"In regard to Clause 1, I beg to submit that it is not at all necessary that there should be any difference between a motion for leave to introduce a Bill and other motions. My friend said that the member must be ready beforehand. But when the motion is made, there is likely to be a discussion and the shape of the Bill itself may be affected thereby".

President:—

"Do you know what the Rule in British India is?

Mr. Kayalam Parameswaran Pillai:—

"Just as it is in our existing Rules, *viz.*, six days, &c."

Mr. Subba Aiyar.

"I beg to correct my friend. It is one month according to Government of India Council Rules and two months according to the Rules in Madras".

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Mr. Kayalam Parameswaran Pillai :—

"We must be guided by the Rules made under the Statute corresponding to our Regulation, *i. e.*, by those of the pre-Minto-Morley days. There is no reason for altering the existing Rule. I therefore beg to propose that the draft Rule be amended".

Seconded by Mr. G. Parameswaran Pillai.

Mr. Subba Aiyar:—

"I beg to oppose the amendment. I have already given my arguments for the change. The motion was put to the vote and lost."

Mr. Kayalam Parameswaran Pillai in moving that Clause 2 be deleted spoke as follows :—

"Sir,

I oppose this Rule, which to my mind is objectionable on more grounds than one. First and foremost, it seems to me that this Council is not competent to pass a Rule of this sort. It will be *ultra vires* of it to do so. It will not be contended for a moment that this Council can alter or modify, either in spirit or in letter, the provisions of Regulation 1 of 1095 which has been passed by His Highness the Maha Raja and under which these Rules are proposed to be passed. By Section 9 of that Regulation His Highness has commanded that the previous sanction of the Dewan should be taken only for the *actual introduction* of certain Bills. Section 9 is as follows :—

"It shall not be lawful for any member to introduce without the previous sanction in writing of Our Dewan any measure affecting (*a*) the public revenues of the State or by which any charge would be imposed on such revenues ; or (*b*) the religion or religious rites and usages of any class of Our subjects."

Section 8 however reads thus.

"At a meeting of the Legislative Council no motion shall be entertained other than a motion for leave to introduce a measure into the Council for the purpose of enactment, or having reference to a measure introduced or proposed to be introduced into the Council for the purpose, or having reference to some Rule for the conduct of business in the Council, and no business shall be transacted other than the consideration of those motions or the alteration of those Rules."

Thus, so far as leave to introduce any Bill is concerned, a member's right to move for it is not restricted in any way. If it was intended that the Dewan's sanction was to be taken in some cases even for moving for leave, that would have been provided for in the Regulation itself. This Council will not be justified in going beyond the spirit of Sections 8 and 9 and putting a restriction on a member's right to move for *any* leave *i. e.*, leave to introduce *any* Bill. To do so is not to pass a Rule for the mere conduct of business or lay down a procedure to exercise a right. For, whatever steps a member might take, he cannot be *sure* of being able to exercise it, which by this Rule is made to depend on the individual discretion of another. If, to impose the restriction of obtaining previous sanction of the Dewan is only a Rule for the conduct of business, the restriction imposed by Section 9, *viz.*, the necessity of obtaining the previous sanction of the Dewan for the *introduction* of certain Bills could itself have been left to be provided for by a Rule. In short, sir, the effect of your passing the proposed Rule is something like this. "By Regulation 1 of 1095 His Highness has no doubt commanded that members shall have right to move for *any* leave. But I am not going to allow it, in some particular cases, unless they get my permission also." I feel sure that neither you nor this Council will be a party to any such step which in effect defeats, and in any event delays the exercise of, a right conferred by His Highness.

It is not merely on the ground of the incompetency of this Council that I oppose this Rule. The Rule effects a substantial curtailment of a private member's rights. For, a member has a right to demand that his motion shall be considered in Council, whereas if this Rule is passed, it will be within the power of the Dewan to negative the motion without the Council even knowing anything about it. In fact you substitute the discretion of the Dewan *in camera* for the discretion of the Council. It has been asked however, if the Bill itself could be introduced only with the sanction of the Dewan, what harm is there in insisting on that sanction being taken even before the motion for leave to introduce it? I reply, sir, there is a harm and a real harm. Indeed it will be negativing the right and the whole right of a member so far as such motions are concerned. Let us for a moment consider what is the real right of a private member in a Council having a substantial official majority. When analysed, that right reduces itself to this. That is to say, he can place his views before the Government in an open assembly ; if the Government members oppose him by bringing forward the Government side of the question, he can meet it and try to show he is right. The other non-official members also may lay their views before the Government and the Dewan who will invariably be the President of the Council will be able to come to a satisfactory conclusion. Even if the private member's views are not accepted, he will have the satisfaction of having been heard in open Council. Now, this right is a right—in its own way, of course. If however the Rule now proposed is passed, even that right will be defeated. When leave is asked for by a private member to introduce a Bill, there is likely to be a discussion if it is opposed by the Government or if the Government think that the proposed Bill is one that requires the sanction of the Dewan and that such sanction cannot be given. The Mover will then have the opportunity of meeting the opposition

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his wide knowledge of public affairs would have been of immense usefulness, is certainly irreparable and it is only in the fitness of things that we should tender our tribute to his memory".

The Secretary then reported that the Registration of Ships Bill, which was finally passed by the Council on the 12th September 1919, received the assent of His Highness the Maha Raja on the 13th September and became law as Regulation II of 1095.

Draft Rules for the conduct of business at the meetings of the Legislative Council.

Mr. Subba Aiyar, in moving that the draft Rules for the conduct of business at the meetings of the Legislative Council be taken up for consideration, said:—

"Sir,

I beg to submit, for the consideration of the Council, a set of draft Rules for the conduct of business, under Regulation I of 1095. These Rules follow in the main the existing Rules on the subject. Only a few changes have been made. Some of these changes are non-controversial, while with regard to others, there appears to be a difference of opinion. I shall explain the object of these changes when the particular Rules are considered. These changes might have been introduced as amendments, to the existing Rules. But with a view to enable the members to consider the Rules as a whole and suggest amendments, if any, the Rules have been reproduced in full with the required changes and placed before the Council. I beg to move that the draft Rules be taken up for consideration at once."

Seconded by Mr. Rengaswami Aiyangar.

Carried.

President:—

"I have received notice of some amendments proposed by Messers Kayalam Parameswaran Pillai and G. Parameswaran Pillai. Though it was not in time, I think that the suggested amendments may be considered".

RULE 2.

Mr. G. Parameswaran Pillai, in moving that the words "not less than three weeks before the dates fixed for such meetings" be inserted at the end of Rule 2, said:—

"Sir,

The Rule that is now in force provides that the meetings of the Council shall, as a rule, be held in the third week in Chingom, Vrischigom, Kumbham and Edavom. Ordinarily therefore we are aware of the probable date of meeting long before the Notification appears in the Gazette. But under the revised Rule, the dates will be fixed from time to time by the Dewan, and the Secretary will notify the same in the Gazette and to each member by letter. The Rule does not provide for any period of time before the expiry of which intimation ought to be given to the members of the date of meeting. Such a provision is essential."

Seconded by Mr. Nidiry.

Mr. Subba Aiyar:—

"Although there is no provision in the existing Rules, the practice even now is to send the letter about three weeks before the meeting. I am not willing to accept the amendment in the form in which it is proposed, as it is not very clear whether the period of three weeks is to be counted from the date of the receipt of the letter by the member or from the date of issue of the same. In many cases, the member may be absent from his station. I think that the amendment may be accepted in the following form:—

"Such letters shall be issued not less than three weeks before the date of meeting."

The Council adopted Mr. Subba Aiyar's suggestion.

RULE 6.

Mr. Kayalam Parameswaran Pillai moved that the word 'meeting' be substituted for 'council' between 'the' and 'shall' in line 3.

Mr. Subba Aiyar accepted the amendment, and it was carried.

RULE 7.

Mr. Kayalam Parameswaran Pillai, in moving that the words "along with the letter intimating notice of each meeting" be substituted for the words "at least ten clear days before the date fixed for each meeting" in line 1, said:—

"Sir,

The period of ten days fixed in the Rule is not sufficient. It is after getting the notice of the meeting that the members will have to consider whether a Bill that is to come up at the meeting is to be accepted and whether any amendment is to be moved. It will be possible for the Government to send the provisional list along with the letters intimating the date of meeting. I therefore beg to move that the amendment be accepted.

Seconded by Mr. Raman Tampi.

Mr. Subba Aiyar:—

"I oppose the amendment. The Mover desires that the provisional list should be sent along with the notice of meeting. This means that the list should be issued three weeks in advance of the meeting. After all, it is only a provisional list and it is intended to give the members an idea of the subjects which are likely to come up so that they may send up amendments in time. I find there is another amendment to substitute fourteen days for ten days in the Rule. I am prepared to accept this latter amendment."

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The amendment was put to the vote and lost.

Mr. G. Parameswaran Pillai moved that the word "fourteen" be substituted for "ten" in line 1.

Seconded by Mr. Krishna Aiyangar.

Mr. Subba Aiyar accepted the amendment and it was carried.

Mr. Subba Aiyar moved that the words "his permanent or Trivandrum address" be substituted for the word 'him' in line 4.

Seconded by Mr. Rengaswami Aiyangar.

Carried.

RULE 8.

Mr. Rengaswami Aiyangar moved that the words 'to the meeting' at the end of line 3 be deleted.

Mr. Subba Aiyar accepted the amendment and it was carried.

RULE 10.

Mr. Rengaswami Aiyangar moved that the word 'session' be substituted for 'day' at the end of Clause 7.

Mr. Subba Aiyar accepted the amendment and it was carried.

RULE 20.

Mr. G. Parameswaran Pillai moved that the following be inserted as Rule 21, the subsequent Rules being re-numbered:—

"The votes of the members may be taken by voices or by division or by name, but they shall be taken by division or by name if any member so desires. The method of taking votes by division or by name shall be in accordance with the instructions given by the President."

He said:—

"Under the Madras Council Rules, if any member desires to know definitely the views of the individual members of the Council on a particular motion, he may be allowed to demand votes being taken by name or by voice. It may not be that all the members may desire to have the opinions of individual members in a motion. Nevertheless, it may be desirable to know what the opinions of individual members on a particular motion are. I therefore propose that a similar provision be introduced in these Rules".

Mr. Kayalam Parameswaran Pillai:—

"I beg to second the motion. If Mr. Krishna Aiyangar's suggestion regarding freedom of speech and vote to official members is to be accepted, this amendment will become all the more necessary."

Mr. Subba Aiyar:—

"So far as the present practice goes, there has been no difficulty in knowing which member is for or against any particular motion. I doubt whether it is desirable to have such an elaborate provision as the one suggested by my friend. The number of members is small and I thought it was not necessary to put in the provision. I doubt whether any division is necessary at all. I however leave it to the Council to decide whether the amendment is necessary."

Mr. Mackie:—

"I think that the Rules, as drafted, are quite sufficient."

President:—

"Personally, I think that the amendment is unnecessary, so far as this Council is concerned. But if the non-official members desire to have it, Government have no objection."

Mr. Krishna Aiyangar:—

"As it is, it is easily understood which members are on a particular side. I am indifferent".

Mr. Kumaran Asan:—

"I am also not particular in the matter."

Mr. G. Parameswaran Pillai:—

"It is not a case of ordinary occurrence, but if any particular member happens to desire the adoption of the course suggested by the amendment, it may be resorted to."

The motion was put to the vote and lost.

Mr. Subba Aiyar proposed that the amendment to Rule 22 be taken up after the amendment to Rule 30 was considered.

The Council accepted the suggestion.

RULE 30.

Mr. Subba Aiyar:—

"The Rule, as drafted, contains a modification in the existing Rule. Inasmuch as there is an amendment or, I will say, a suggestion from some members that this provision ought to be deleted and the old Rule retained, it is only fair that I should say a few words in explanation of the change introduced. Under the existing Regulation, any motion can be brought forward before the Council, if only six days' notice is given to the Secretary to the Council. The present rule, as drafted, says that thirty days' notice shall be given and that a copy of the Bill shall also be sent to the Secretary. The object of this Rule is certainly not to curtail the right of any

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and the Dewan will have the opportunity of hearing him, as also the other non-official members; and certainly the Dewan will then be in a better position either to allow the motion and give sanction to introduce the Bill or disallow both. And the whole thing will be done in public with all the advantages of publicity, while the proposed Rule will defeat all these safeguards.

Now let us see whether there is any such Rule in British India, from where we borrow many things and have borrowed even these Rules for the conduct of business. There also, the Statutes corresponding to Regulation I of 1095 contain a provision that the sanction of the Governor or Governor-General should be obtained before certain Bills are introduced. But there is no Rule in their Rules for the conduct of business, corresponding to the Rule now under discussion. But why travel so far? Even here the Legislative Council Regulation, V of 1073, contains a provision that certain measures can be introduced only with the previous sanction of the Dewan. That Regulation was passed by the Legislative Council itself and yet that very Council, even though it might be said to have been competent to do so, did not think it right or proper to pass a Rule that the Dewan's sanction should be taken even before moving for leave to introduce those measures. And there is no such Rule in the existing Rules for the conduct of business which, you know, were passed under Regulation V of 1073.

What then is the reason for introducing this new Rule, I ask, apart from the propriety of it? I have not heard anything satisfactory in support of it. From what my learned friend Mr. Subba Aiyar has said it is quite clear that the object of the Rule is to shut out members from making motions and that the shutting out should be done *in camera* and not in Council. That is exactly what my non-official friends and I want to prevent. As explained by Mr. Subba Aiyar, the meaning of the Rule is quite clear though not the propriety of it. And for that very reason I have to oppose the Rule with all the earnestness I can command."

Mr. G. Parameswaran Pillai:—

"I beg to second the amendment proposed by Mr. Kayalam Parameswaran Pillai for deleting Clause 2 of Rule 30. In my opinion, the existing Rule has been unnecessarily changed. The Clause in question is highly objectionable. Under Section 9 of the Regulation and under the existing Rule, sanction is required only before the measures relating to certain specified subjects are actually introduced in Council. No previous sanction is required for bringing a motion for leave to introduce a Bill relating to those subjects. The Rule now proposed by Mr. Subba Aiyar goes a step further than what is contemplated by the Regulation, and to me it appears that it is beyond the competency of this Council to consider such a Rule. Apart from the competency of this Council to pass such a Rule, the propriety and expediency thereof are questionable. My friend Mr. Kayalam Parameswaran Pillai has already dealt with the matter elaborately. I need only add that the change proposed is anything but progressive, and the need for the same has not been made out.

Mr. Subba Aiyar.—

"I beg to oppose the amendment. The first point pressed by my friend Mr. Kayalam Parameswaran Pillai is that the provision as now put in as Clause 2 of the Rule 30 is *ultra vires*. I beg to differ from him. To my mind it is not *ultra vires*. In the first place, it is not repugnant to any of the provisions in the Regulation itself. What Section 9 of the Regulation says is that it shall not be lawful for any member to introduce, without the previous sanction in writing of the Dewan, any measure affecting—(1) the public revenues of the State or by which any charge would be imposed on such revenues or (2) the religion or religious rites or usages of any class of His Highness' subjects. From this it cannot be inferred that every other motion than the introduction of a Bill may be made without the sanction of the Dewan. Secondly, this Council has got the power to frame Rules for the conduct of business. Business in relation to a Bill begins in this Council when leave is applied for and this will be conceded, so that this Council is competent to see how a motion for leave should be regulated. This may be done by enacting Rules on the subject. It is only if this Rule is violated, it will become *ultra vires*. Even otherwise the Council is competent to impose certain restrictions about the conduct of business in this Council. If my friend's contention is sound, any motion may be made without a notice. Is not the Rule requiring 6 days' notice for a motion, a restriction upon the powers of the Council? Is that Rule *ultra vires*? As for the suggestion that it does not find a place in the Madras Rules, I have only to observe that it does and that a similar amendment was made to the Madras Rules in 1917. I may add that this is also found in the Rules of other Councils in British India. In Mysore no Bill could be introduced without the sanction of the Dewan. Next, as regards the objection on the score of expediency and curtailment of right. I do not see how the Rule could take away the right. On the other hand, it will be to the convenience of the member to have the Bill ready and get the sanction of the Dewan. The Dewan has to be satisfied in the first instance as to whether a Bill is likely to affect the revenues of the state or the religion or religious usage of any class of His Highness' subjects. That being the case, the Dewan is the ultimate authority to grant leave. My friends may be quite confident that the Dewan will not be arbitrary. They will, I believe, be prepared to grant to the Dewan a certain amount of discretion in the matter. It is for the Dewan to grant or refuse the sanction. So, it is not curtailing the right of the members or *ultra vires* of the existing provisions. These Rules are

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found in the Rules of the Imperial Council and of the Provincial Council. We are therefore supported by precedent. It will be a matter of convenience to the Government to see the Bill before granting leave. It will avoid waste of time and it will save disappointment. For these reasons I beg to oppose the motion."

Mr. Raman Tampi :—

"Even after hearing the arguments of my learned friend Mr. Subba Aiyar, I am not convinced of the necessity for any change in the existing Rule. With regard to the class of Bills referred to in Clause (2) of Rule 30, all that is given to non-official members is the right to bring up the matter for discussion in the Council. Under the Rules proposed by my friend, the draft is to be forwarded to the Secretary, and probably the member in charge of the legal work in the Council and the Dewan may consider it and may decline to give the sanction prayed for. But that is not exactly what is wanted when leave is asked for in the Council. Openly a discussion will ensue and it is quite likely that after listening to our arguments the law member and the Dewan may change their views in the matter and the official members themselves may look into the justice or otherwise of our case better and a favourable decision may be arrived at in respect of the motions. Even granting that, after all, the motion is rejected, I am certainly of opinion that there would be a moral effect on account of the discussion which will certainly remain. If times out of number, the same motion is brought forward, eventually the Government themselves will take up the matter very seriously. This aspect is very important and I don't think it has been explained by all the arguments of Mr. Subba Aiyar. He says the Dewan cannot be compelled to grant his sanction. Let me take an analogous case. Pleadings are drawn up by competent persons and presented before the judges. The Barristers have not got the power to compel judges. It is open to them to argue the pros and cons and place the matter before the judge in all aspects. The judge who oftentimes comes with a particular opinion changes his views and gives a decision contrary to his opinion previously formed. I am sure that this practice will certainly be availed of in this Council. Hence I strongly support the amendment moved by Mr. Kayalam Parameswaran Pillai."

Mr. Nidiry :—

"I have had the benefit of hearing my friend Mr. Subba Aiyar's address at length. I am sorry that I am not at all convinced by his arguments. I have also had the advantage of having heard the views of the other side and I am of opinion that the amendment is necessary".

Mr. Subrahmanya Pillai.—

"I quite agree, with my friends, the non-official members, who have spoken before me."

Mr. Krishna Aiyangar:—

"I do not believe that the interests of the Council or the Government will suffer by deleting Clause 2. The power vested in the Council for granting leave is independent of the powers of the Dewan to permit the introduction of the Bill. The granting of leave by the Council does not render it imperative on the Dewan to permit the introduction of the Bill, if it contravenes the provisions of Section 9 of Regulation I of 1095. The discussion in the Council, when leave is sought for, will be of considerable service to the Dewan in determining whether sanction should be accorded. There is no danger of the Bill being introduced, if sanction is withheld, and even if the Bill is introduced without sanction, it is open to the Council to reject the Bill on the ground that it contravenes the provisions of Section 9."

Mr. Kayalam Parameswaran Pillai :—

"My friend Mr. Subba Aiyar contends that the Rule of demanding the Dewan's sanction is only a Rule of business like the one requiring six days' notice for a motion. I should think that there is a world of difference between the two. In the latter case the right to bring forward a motion is not affected. You may demand six days or ten days or twenty days, or you may even say that the motion should be sent printed or typed. They are all conditions which it is in the power of a member to satisfy by himself. But, when we say that the sanction of the Dewan is required for a motion, we are imposing a condition which a member cannot by himself satisfy and over which he cannot have any control. A third person's discretion intervenes between the member and the Council. This is the difference between the two sorts of restrictions and a restriction of the latter kind is not warranted by the Regulation. According to Section 8 of the Regulation, a member has the right to make any motion. The proposed Rule says 'you shall not make that motion unless you get the sanction of the Dewan' and is this inconsistent with the right conferred by that Section? This Rule is therefore *ultra vires*, and it is not competent to this Council to introduce a change of this kind by a mere Rule of conduct of business. If it is a mere Rule of business, it would follow that *all* motions may be restricted likewise, on the ground that no motion shall be introduced without the sanction of the Dewan."

The motion was put to the vote and lost.

RULE 40.

Mr. Narayanan Pandalay moved that the word 'of' between 'and' and 'the' in line 2 be deleted.

The amendment was accepted by the Council.

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RULE 42.

Mr. Narayanan Pandalay moved that the word 'be' be substituted for 'is' in line 2.

Mr. Subba Aiyar accepted the amendment and it was carried.

RULE 53.

Mr. Rengaswami Aiyangar proposed that the words 'to the Council' be inserted after 'communicate', in line 1, the said words occurring after 'dissent', in that line being deleted.

Mr. Subba Aiyar accepted the amendment and it was carried.

RULE 64.

Mr. Rengaswami Aiyangar moved that the word 'and' be inserted at the end of Clause (8).

The amendment was accepted by the Council.

The consideration of the draft Rules being over, Mr. Subba Aiyer moved that the Rules be finally read and passed.

Seconded by Mr. Rengaswami Aiyangar.

Carried.

Mr. Adam Sait, then spoke as follows :—

"SIR,

I beg leave to take this opportunity to express on behalf of my community our respectful homage to His Most Gracious Highness the Maha Raja whose memorable words 'my greatest happiness lies in the welfare of my people' are still ringing in our ears and strike the keynote of the remarkable hold which His Highness has upon the hearts of his subjects. This institution itself originated from his deep desire to maintain the rights of all religionists' and is a proof positive of the truth of those noble words and it is our firm faith that our beloved Maha Raja will be pleased to grant us further substantial reforms ere long. The Muslims of this ancient land form a very important and influential section of His Highness the Maha Raja's subjects and their traditional loyalty and strong attachment to the person and throne of His Highness deserve special mention on this occasion when their legitimate claims and aspirations have been recognised by the Government in allowing a seat for the Muslim community in this reformed Council. I shall be failing in my duty if I do not express the sincere gratitude of my community to you, sir, personally, who have won the good-will of all communities alike and who justly merit the appellation of the 'People's Dowan'. The sympathy you have evinced in our progress and the timely help afforded to us in the matter of education and the recognition of our political rights by you will be gratefully remembered by my community. The magnanimous and truly statesmanlike policy of your administration has been characterised by a special solicitude for the welfare and progress of the Muslim community in the State and to you belongs the credit of having revived their sense of self-respect and having given an impetus to their making strenuous efforts to rise higher and higher in their social and political outlook. I beg to assure you once again on behalf of my community that they will be ever grateful to His Highness for the various benefits they have derived from His Highness' Government.

'Islam' meaning peace is the word of God, the sole object of which is to preach the unity of God and to further peace and happiness amongst his creatures, and if the people of the Book have believed rightly, it would have been surely better for them. The command of 'Allah' and the holy Prophet Mahomed (may peace and blessing of God be upon him) to the Muslims is that they should be ever grateful and loyal to their King irrespective of caste and creed. God commands, 'O! be sure, do not oppress your own people nor make them uneasy, but take their counsel in all the affairs and take care to do that which is just and right; for, those who do otherwise shall not prosper'. Humility and courtesy are acts of piety. True modesty is the source of all virtues. It is therefore not strange that the Muslims of Travancore cherish a spirit of enthusiastic loyalty to Government and a feeling of affectionate brotherhood towards the other communities with whom they live side by side. May the Almighty guide us all to make our united endeavours an un-precedented success and bless abundantly His Most Gracious Highness the Maha Raja with long life to rule over us with the rare wisdom, love and sympathy which have characterised His Highness' reign and to confer still greater boons on his loving and devoted subjects."

The Council adjourned at 2-20 P. M.

K. NARAYANAN PANDALAY,
Secretary to the Council.

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